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A
Miſcellaneous Eſſay
Concerning the Courſes purſued by
GREAT BRITAIN
In the Affairs of her
COLONIES:
With ſome OBSERVATIONS on the
Great Importance of our
SETTLEMENTS in AMERICA,
AND
The TRADE thereof.

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TO THE

READER.

THE firſt Settlement of moſt of our Colonies in *America* was made by private Adventurers, who, finding their Undertakings too expenſive and unwieldy, abandoned or dropt the ſame; and ſo moſt of them reverted back again into the Hands of the Crown.

The laudable Genius of our Merchants, in generouſly encouraging new Settlers and Settlements, in ſupplying them with all Neceſſaries, and, at their own Riſque, introducing Trade and Commerce amongſt them, were other great Means, and very effectual in extending the Settlement of the ſaid Colonies.

The unhappy Diviſions, both in Religion and Politicks, which ſubſiſted in the Reigns of King CHARLES the Firſt and Second, have been another Cauſe of the Increaſe of our Settlements; but there is ſtill another Cauſe, which has greatly contributed thereto, namely, the ſevere Perſecution of the Proteſtants in ſome Provinces of *Germany*, eſpecially the Palatinate and Biſhoprick of *Saltſburgh*, which Perſecution forced a vaſt Number of Proteſtants to abandon their native Countries, and afterwards embark for *America*. But as many Acts of Fraud and Oppreſſion have been committed in thoſe Colonies which are more immediately dependant on the Crown, in the Manner of iſſuing Warrants and Grants for Lands, and that poor Settlers have been often injured and oppreſſed thereby, to the Diſcouragement of many others, who would have followed them; ſuch as have tranſported themſelves have moſtly reſorted to *Penſylvania*, the

Laws there being wiſely enacted, and for the moſt Part juſtly executed, without any Partiality, as is too often practiſed in other Colonies, to the viſible Prejudice of the Trade of this Kingdom, and the Settlement of its diſtant Colonies.

The Number of ſaid foreign Proteſtants ſo tranſported and ſettled in *Penſylvania* only, ſince the Year 1728 until 1751, doth, at a moderate Computation, amount to 80,000 Perſons and upwards, beſides many Thouſands who have ſettled in the *Jerſeys*, *New York*, *New England*, &c. Which Number, conſidering the maniſold Difficulties and Expence to which thoſe poor People were put, in coming from *Germany* to *Holland*, and afterwards tranſporting themſelves to *America*, is much greater than could have been reaſonably expected. However, the Deſire they had of enjoying the free Exerciſe of their Religion, and reaping the full Benefit or Advantage of their Labour and Induſtry, was ſo ardent and prevalent, that if they had been treated with Juſtice and Humanity in thoſe Colonies which more immediately depend on the Crown, and that it had been thought agreeable to the Wiſdom of this Government, to have given a general a general and publick Encouragement to the ſaid Proteſtant Refugees, in aſſiſting them in the Payment of their Paſſages, and in granting them Lands on Military Tenures behind our preſent Settlements, they would have become an uſeful Frontier for the Protection of all our Colonies; and during the Courſe of the laſt twenty Years there might have been at leaſt ten Times as great a Number tranſported to *America*, which, by eſtabliſhing a Land-bank under proper Regulations, would not have coſt 240,000*l.* Sterling to the Publick.

This was a very favourable Opportunity, and a happy Event, which no Nation, except *England*, ever met with, in having the Power to raiſe a great and powerful Empire in *America*, without draining the Country of its uſeful Subjects.

And the Diſpoſition of the *Indian* Nations, or Tribes of *Indians*, would likewiſe have favoured our Views and Deſigns in this Particular; for had we improved the Advantage offered to us, and erected Forts for the Security of our friendly *Indians*, and for the Enlargement of our

Trade with them, particularly near to the Five *Indian* Nations, to the *Upper Cherokees*, and to the *Creek Indian* Settlements, we muſt at all Times have had it in our Power to protect our Trade with the *Indian* Nations, and in a great Meaſure ſecured our Frontier Settlements from any Incroachments of the *French*, or their friendly *Indians*. However, theſe and many other Miſtakes we have fallen into, ariſe from the Want of a regular invariable Plan of acting in our *American* Concerns, and from the Want of a proper Syſtem in the Offices in *America*, and alſo from our not having any Fund particularly applicable or appropriated to the Uſes of our Colonies, in Reſpect to which there is the moſt urgent, moſt preſſing Neceſſity to take the ſaid Matters into Conſideration; and, as humbly conceived, the Aid of the Legiſlature will be further neceſſary, to carry thoſe Matters into Execution, ſo as to have their deſired Effect.

Theſe are the Motives which have induced me humbly to offer my Thoughts to the Publick on this Subject: But, as in treating of the Offices many Perſons are apt to put wrong Conſtructions, and not only ſo, but to apply what is ſaid of the Offices to thoſe who preſide in them, I take this Opportunity moſt ſolemnly to declare, That in the whole Courſe of the following Eſſay, I have not written any Thing with the leaſt View or Intention to reflect on thoſe who preſide in the great Offices; but, on the contrary, my principal Aim and Intention is to ſhew that in all well-regulated Governments there ought to be fixt and certain Meaſures which are not to be departed from, and that the Order and Subſerviency of the Parts of all leſſer Syſtems ought to concur to the Good of the general Syſtem, or elſe every Thing muſt run into Anarchy and Confuſion.

Thoſe who preſide in the great Offices may, in ſome Degree, be compared to the Commander of a Ship of War, who, altho' poſſeſſed of all the Qualifications neceſſary for the King's Service, yet may be ſo circumſtanced, from the Defects or ill Qualities of his Ship, as not to be able to carry Sail when a Storm ariſes upon a Lee Shore, or to protect his Ship from ſinking, by the Defects or Rottenneſs, which, thro' Time, have crept into the Bottom.

In like Manner, even great and good Men are often ſubject to

Surpriſe, when the Offices are not ſo formed, as to open every Matter of Conſequence to their View: From which Cauſe, they are frequently under a Neceſſity of regulating their Conduct by private and often partial Informations.

I therefore humbly hope, that the Freedom with which I treat this Subject will not be imputed to me as a Crime, and that the Publick will give all due Attention to ſuch Matters as may be thought worthy of their Conſideration.

AN
ESSAY
ON OUR
Courſe of Proceeding in the Affairs of our COLONIES, &c.

THE Conſtitutions of this Kingdom and of *France* do (very much to our Advantage and Happineſs) differ in many Reſpects, more eſpecially with Regard to the Security of our

Lives and private Properties; but yet, in the Conſtitution of the *French* Offices, particularly as the ſame relate to *America*, there is a Spirit of Liberty runs through the whole of them, and they are ſo excellently well contrived and calculated for the Improvement of their Trade, and Enlargement of their diſtant Colonies and Poſſeſſions, that an Improvement (altho' from a foreign Stock) may be very properly engrafted into our Syſtem; nor is there any great Difficulty in ſo doing, as the Regulations they have made are no more the natural Reſult of their Conſtitution, than of ours; and altho' ſome ſmall Alterations may be neceſſary, the principal Object in View is, ſo to regulate our Offices in *America*, as to have a mutual Relation or Dependance upon the general Syſtem, or Plan of Government eſtabliſhed here; and the Want of attending to this in the firſt Model or Frame of Government eſtabliſhed in our Colonies, has been one great Means or Cauſe of the many Diſputes which have ariſen in the Colonies, and of the Incroachments which have been often made on the Prerogative of the Crown, and alſo in many Reſpects upon the Rights and Properties of the Subject.

The unwarrantable Conſtructions which ſome of the Colonies have put on the Charters granted them by the Crown, are altogether inconſiſtent with that Dependance which they owe to their Mother-Country; for although the ſaid Charters intitle them to make Bye-Laws, for the better ordering their own Domeſtic Affairs, yet they do not, nor cannot, intitle them to make Laws which may have a general Effect, either in obſtructing the Trade of this Kingdom, or in laying Reſtraints and Difficulties on the neighbouring Colonies: For as their Power in a Legiſlative Capacity doth originally flow from the Crown, under certain Limitations and Reſtrictions, particularly in not paſſing any Laws but ſuch as are conſiſtent with the Conſtitution and Laws of this Kingdom, ſo the Fitneſs and Expediency of ſuch Laws are only cognizable and determinable by his Majeſty or by the Legiſlature in this Kingdom, as it is conceived that they cannot be proper Judges in their own Caſe; yet to ſuch Exceſs have they proceeded in ſome of the Charter Governments, namely, in *Rhode Iſland* and *Connecticut*, as to enact Laws that no Law ſhall take Effect in their Colonies, unleſs it is firſt authenticated or enacted into a Law by them; and ſome of them have made themſelves Judges of the Fitneſs and Expediency of their own Laws, by not tranſmitting them to the proper Boards at Home.

The ſaid Colonies ought to meet with all proper Encouragement, and to have their Rights and Properties entirely preſerved to them; but then it is to be conſidered, that there is a publick as well as private Liberty, that all Advantages ariſing from the Colonies to this Kingdom principally conſiſt in their mutual Relation and Dependance, and that their ſeparate Intereſts would claſh one with the other, provided they were permitted to exerciſe any Power which may be contrary to the true Intereſt of their Mother-Country, or of his Majeſty's other Colonies dependant thereon.

And as it relates to thoſe Colonies who are more immediately dependant on the Crown, his Majeſty's Orders or Inſtructions are intended as the ſole Guide and Meaſure of the Governor's Conduct, and ought not to be in the leaſt departed from. But Experience hath ſhewn, and the very Nature of the Thing ſuppoſes it, that where there are no

Penalties inflicted on Breach of his Majeſty's Orders and Inſtructions, the End of Government in diſtant Colonies cannot be attained; for unleſs there be ſome certain Rules eſtabliſhed whereby every Thing done in Behalf of the Crown, or of the Publick, may be depended upon, and that thoſe in Office have it not in their Power, under various and colourable Pretences, to take ſuch Meaſures as to render every Thing done by them precarious and uncertain, it muſt, from the very Nature of the Thing, open a Door to many Incroachments upon the Crown, and Acts of Oppreſſion upon the Subject.

If the Inſtructions of the Crown be ſuch, that the Nature, Change, or preſent Circumſtances of Affairs in the ſaid Colonies put the Governors under any Neceſſity of varying from the ſaid Inſtructions, that is a good Reaſon why the ſaid Governors ſhould repreſent their Difficulties in a proper Manner to the Crown, and humbly propoſe the Remedy, and ſuch further Directions as the Nature of the Caſe or Emergency of the Affair may require; but the ſaid Governors ought not, in any Event whatſoever, to depart from the Royal Orders and Inſtructions of the Crown, as the Delay which may be thereby occaſioned cannot be put in Competition with the Train of evil Conſequences and bad Effects, which muſt naturally or conſequentially ariſe from the breaking in upon thoſe Guards and Proviſions which the Crown has wiſely conſtituted for the Safety of the Subjects, and good Government of the ſaid Colonies.

Colourable Pretences and Pleas of Neceſſity are never wanting, particularly at ſo great a Diſtance, to palliate or conceal the moſt cruel Acts of Violence and Rapine, which can only be prevented by preſerving one regular uniform Courſe of acting thro' all the Offices in *America*, and alſo by an invariable eſtabliſhed Rule of acting in our Council or Board of Trade, as Informations in any other Shape cannot be relied upon.

And therefore, as is humbly conceived, it may be of great Uſe to the Publick to take a View of the uſual Courſe of Proceeding in Committees of Council, before the conſtituting of a Council or Board of Trade in 1696, and of ſeveral other Regulations with reſpect to our Colonies.

In 1666 King CHARLES the Second paſt an Order for eſtabliſhing a future Regulation of Committees of his Privy Council, and, amongſt the reſt, a Committee for the Buſineſs of Trade, under whoſe Conſideration was to come whatſoever concerned his Majeſty's foreign Plantations, and alſo what related to his Kingdoms of *Scotland* or *Ireland*, in ſuch Matters only relating to either of thoſe Kingdoms as properly belonged to the Cognizance of the Council Board; the Iſles of *Guernſey* and *Jerſey*: which was to conſiſt of the Lord Privy Seal, Duke of *Bucks*, &c.

And, for the better carrying on the Buſineſs of the ſaid Committees, and of the ſeveral other

Committees then appointed, his Majeſty thought fit to direct, that ſuch Committees do make their Reports in Writing, to be offered to his Majeſty next Council Day following, in which, if ever any Debate aroſe, the youngeſt Counſellor to begin, and not to ſpeak a ſecond Time without Leave firſt obtained: And that, as on one Side nothing is to be hereafter reſolved in Council, till the Matter hath been examined, and received the Opinion of ſome Committee or other; ſo, on the other Hand, that nothing be referred to any Committee until it hath been firſt read at the Board, excepting foreign Affairs; with this Explanation, that upon reading Petitions at the Board, where there is an unanimous Conſent to grant or reject, ſuch Petitions are to be diſpatched as formerly, and only ſuch Petitions referred to the reſpective Committees wherein any Difficulty, Cauſe of Examination, or Diverſity of Opinion, may ariſe: And his Majeſty thought fit to direct, that no Order of Council ſhould be iſſued by the Clerk of the Council, until the ſame was peruſed by the Reporter of each Committee reſpectively.

The above Order in Council was in many Reſpects wiſely calculated to bring every Matter of

Importance, and of a mixt Nature, to the View of the Crown; and the Appointment of Committees for the Diſpatch of different Kinds of Buſineſs was likewiſe of Uſe, as the Lords of the Committee, by giving their conſtant Attendance, might be thereby better informed of the Nature of the Buſineſs brought before them.

At the Court at Whitehall, *the 27th of* January, 1681.

PRESENT

The King's Moſt Excellent Majeſty in Council.

IT was this Day ordered by his Majeſty in Council, That all the Lords of his Majeſty's Moſt Honourable Privy Council be, and they are appointed to be, a ſtanding Committee of this Board for Trade and Foreign Plantations.

The above Order of the 27th of *January*, 1681, which was previous to the conſtituting a Council or Board of Trade continued in Force until *May*, 1696; but, as is conceived, was not renewed until the 1ſt of *October*, 1714.

In 1695, ſeveral Members of the Honourable the Houſe of Commons were for eſtabliſhing a Board of Commerce, and alſo for appointing Commiſſioners for Trade and Plantation. But this was objected to by others as an Incroachment on the Rights of the Crown. However, all agreed as to the Uſe and Neceſſity of appointing ſuch a Board.

And, agreeable thereto, his late Majeſty King WILLIAM the Third conſtituted a Council or Board of Trade, in *May* or *June* 1696, and appointed the following Perſons as Ordinary and Extraordinary Members of the ſaid Board, *viz.*

The Lord Keeper of the Great Seal, or Chancellor; the Preſident of the Privy Council; the firſt Commiſſioner of the Treaſury, or Lord Treaſurer; the firſt Commiſſioner of the Admiralty, or Lord Admiral; the two principal Secretaries of State, and the Chancellor of the Exchequer; together with the Earls of *Bridgwater* and *Tanker-*

Tankerville, Sir *Philip Meadhouſe*, *William Blaithwait*, *John Pollexfen*, *John Locke*, *Abraham Hill*, and *John Meathwen*, Eſqs. were declared his Majeſty's Commiſſioners for encouraging, improving and protecting the Trade, Plantations, Manufactories, and Fiſhery of this Kingdom.

And, in Purſuance thereof, the 7th of *July*, 1696, their Excellencies the Lords Juſtices in Council ordered, That the Books and Papers of Buſineſs in the Plantation Office, relating to the Committee of Trade and Plantation, then in the Cuſtody of Mr. *Povey*, be by him delivered over to Mr.

Popple, Secretary to the Council of Trade, by Liſt or Schedule, to be ſigned by the ſaid Secretary; and that all Matters which were depending before the Committee of Trade and Plantation, by Order of Reference from that Board, be, as they are thereby, referred to the ſaid Council of Trade.

The above Order of Council, as is humbly conceived, evidently ſhews, that the Council or Board of Trade was intended to act in the Place of Committees of Council, and that the Reports of the ſaid Board were to be immediately carried to his Majeſty in

Council, and (as is moſt humbly conceived) if any Matter of Doubt aroſe in Council concerning the ſame, the ſaid Report was to be referred back to the Council of Trade, at which Board the extraordinary Members might take their Place, in order to conſult what was fit to be done. In which there was much Safety, as all the Papers and Records relative to the Affairs of the Colonies are ſuppoſed to center in the ſaid Office.

The appointing of the Right Hon. the Lords of the Cabinet Council to be Extraordinary Members of the Board of Trade, ſeems likewiſe to have been calculated to anſwer many other valuable Ends and Purpoſes; for as the ſaid Council, or Board of Trade, was intended as the only Channel of Information to the Crown, in all Matters which related to our Plantations, Trade, and Commerce; and alſo, as they were to report to the Crown, once in every Year, the Courſe or Proceeding of all the Officers employed in the Service of the Crown in *America*; it became thereby highly neceſſary to have the great Officers, who preſide at the other great Boards at Home, at leaſt virtually preſent at the Board of Trade, when they took Cogniſance of ſuch Matters as were tranſacted by their Officers. Which Regulation freed the Council of Trade from all Reſtraint in their Reports: And in this happy State of Things the meaneſt of the Officers employed in *America* might look upon themſelves as under the immediate View and Protection of the Crown, and not under the Tyranny and Oppreſſion of any Officer who acts in a higher Sphere.

The ſaid Council or Board of Trade was likewiſe, by their Conſtitution, to examine the municipal Laws and Records of all the ſaid Colonies, and to report to the Crown, once in every Year, a full and true State of all the ſaid Colonies. And it is alſo very obſervable, that the Reports of the ſaid Board were often brought before the Houſe of Commons, without any particular Application by the Members of the Houſe on that Head. But thoſe particular Inſtitutions (whereon the Uſefulneſs of the Board principally depends) have been too often omitted, although for the firſt twelve Years after the Conſtituting of the ſaid Board thoſe Matters were carefully attended to.

His Majeſty's Inſtructions to the Governors of the Colonies more immediately dependant on the Crown are prepared by the Board of Trade, and when approved of by his Majeſty in Council ought to be conſidered as a Direction, or indeed a Law, to the Governors, by which they are to regulate their Conduct; and although the ſaid Inſtructions are not to be conſidered in all Caſes as obligatory or binding on the Subject, yet the leaſt Deviation from them in the Governors opens a Door for all manner of Fraud and Incroachments, both upon the Crown and upon his Majeſty's Subjects in the Colonies; for when ſuch Deviations are admitted, and plauſible Pleas allowed in Excuſe for their Conduct, there cannot (as will more fully appear in the Proſecution of this Eſſay) be any reaſonable Hopes of Redreſs, eſpecially as the Delay and Expence, which uſually attend Petitions of Complaint, make it impoſſible for many Perſons to bring their Caſe before the Crown.

But to guard againſt thoſe Difficulties and Inconveniences, and to protect the Subjects Abroad from all unwarrantable Acts of Power from the Governors, Chief Juſtices, or any of the other Officers of the Crown, the Secretary's Office in the Plantations was, in all its ſeveral Branches, as Clerk of the Council, Clerk of the Aſſembly, *&c.* originally intended as an Office of Record, and all Buſineſs tranſacted by his Majeſty's Governors, either in a miniſterial or judicial Capacity, or as Ordinary in granting Probates of Wills, or Adminiſtrations, *&c.* were intended to be entered at large in the ſaid Council Journals; and ſo not only remain in the Colonies as a Record for the Safety and Benefit of the Subject, but Copies thereof were alſo to be tranſmitted to his Majeſty's Secretary of State and Council of Trade.

And as his Majeſty's Governors are conſidered to have a Superintendency and great Influence over all the Officers within their reſpective Governments, if any of his Majeſty's Subjects there apprehended themſelves to be aggrieved by any Perſon in Power, they were deemed to have a Right to lay their Grievances before the Governor and Council, and to examine all ſuch Evidences as they could produce in Support of their Charge, ſo as to make the ſame Matter of Record.

And, as is above obſerved, thoſe Records being tranſmitted Home, by the proper Officers, gave the Lords of Trade a full Inſight into the Courſe and Proceedings of the Officers employed by the Crown, and into the Affairs of the Colonies; ſo as to enable their Lordſhips to recommend thoſe Officers to the Crown, who had behaved properly in the Diſcharge of the Truſt repoſed in them, and to diſmiſs and puniſh ſuch as had deviated from their Duty. And to this End our Council of Trade was impowered to nominate Governors and other Officers to the Crown.

In relation to which I pray Leave to obſerve, that however great, however good, or well qualified thoſe great Perſonages may be, who have the Direction of the Affairs of our Plantations, and of our Trade and Commerce, yet if the Order of the Offices be inverted, and they be thereby under a Neceſſity to depend upon private, and often partial, Information, they will be often led into Miſtakes; even ſo as to withdraw their Protection from thoſe who have acted agreeable to their Duty, and to ſupport others who in many Reſpects have deviated from their Duty to the King, and at the ſame Time committed many Acts of Oppreſſion againſt the Subject.

I ſhall pray Leave further to obſerve, that altho' there appears great Wiſdom and Knowledge in the framing of the above Conſtitutions (which is ſaid to have been done by Lord *Sommers* and Mr. *Locke*) and alſo that there was an Act paſſed, the 12th of King WILLIAM the Third, intitled, *An Act for the Puniſhment of Governors in the Plantations*; yet there was ſtill ſomething wanting, which has been the Means of deſtroying the End and Deſign of the ſaid Inſtitutions: For the Records in the Colonies, tho' well intended, were never properly regulated; and conſequently there was an

Opening left for Deceit on the Boards at Home; and as the Baſis or Foundation of all Syſtems ought not to be departed from, ſo likewiſe, the above Inſtitutions being the very Hinges upon which the Government and Safety of his Majeſty's Subjects in the Colonies principally depend, there was, as is moſt humbly conceived, the greateſt Neceſſity for the Aid of the Legiſlature in eſtabliſhing the ſaid Inſtitutions by Law, with Penalties on ſuch as deviated from them: And from this there could not any Danger ariſe, as it related either to the Prerogative of the Crown, or the Safety of the Subject; but in all Reſpects it would have had the contrary Effect, in keeping the Crown from Surpriſe, in having the Orders of the Crown duly executed, and in freeing the Subject from many Acts of Oppreſſion; and if thoſe in Truſt and Power in the Colonies deviated from their Duty, the Subject, if injured, could lay his Grievances before the Crown, without being liable to any great Delay and Expence therein.

And there is the greater Reaſon for this Courſe of Proceeding, as the Crown has not thought fit, uſually, to admit of Appeals for any Sum leſs than 300 *l.* Sterl.

but in the other Courſe of Proceeding, if a poor Planter was defrauded of Three Hundred Pence, by the Governor or Chief Juſtices not allowing him the Liberty to proceed by due Courſe of Law (which hath been often done, both by the Governors and Chief Juſtices, and of which there are Inſtances upon Record) ſuch Perſons might bring their Caſe before the Boards at Home, by the Journals of Council tranſmitted thither from the Colonies.

And it is alſo proper to obſerve, that, as it relates to *America*, our Council-board are in many Reſpects to be conſidered as a Sovereign Court; therefore if they are, by wrong Informations, led into Miſtakes, the Subject may be barred from all Relief, as the Courts in *America* are not ſo conſtituted, as to intitle them to take Cogniſance of any Matter which hath undergone the Conſideration of the Council-board.

The great Excellency and Efficacy of the *French* Inſtitutions, in their Board of Commerce, ariſe principally from their not being at Liberty to diſpenſe with the Rules and Ordinances of the King; which frees them from many irregular Solicitations: And, in like Manner, that the Governors, Surintendants, &c. are liable to Penalties, if they deviate from the Orders of the Crown.

But, by the Conſtitution of this Kingdom, the Inſtructions and Orders of the Crown have not that Force and Effect on the Governors, and other Officers of the Crown, which the Nature of the Caſe requires: And if they, even our Council or Board of Trade, are at Liberty to vary from the Standard of Action, or from the King's Pleaſure ſignified to them by their Conſtitution, there will ariſe a continual Claſhing of Intereſts; the Uſefulneſs of the Colonies, with reſpect to their Trade and Commerce, will be in a great Meaſure leſſened thereby, and alternately both the Rights of the Crown, and the Liberties and Properties of the Subject, invaded; and that too, in many Caſes, without a Poſſibility of Redreſs: And indeed it is not poſſible, with the greateſt human Foreſight and Knowledge of Buſineſs, in our Council of Trade, to carry the Orders and Inſtructions of the Crown into due Execution, or effectually to improve or extend our Colonies in *America*, otherwiſe than by having all the Records of the Colonies duly formed and tranſmitted to them, and by being entirely free and independant in their own Sphere of Action.

However, there is nothing propoſed on this Head, which can poſſibly reſtrain the Crown in the Exerciſe of its own Prerogative; for, as is above obſerved, the Strengthening the Hands of the Crown, ſo as to guard againſt Incroachments, cannot delay or impede the due Courſe of Buſineſs; neither can the Governors being under a Neceſſity to have all Acts done by them, in relation to the publick Concerns of their Colony, entered in the Journals of Council, in the leaſt obſtruct the Buſineſs of the Crown; nor, laſtly, can our Council of Trade's reporting to the Crown the State and Condition of the Colonies, and the Courſe of the Officers employed therein, have any ill Effect; but, on the contrary, the enforcing of thoſe Duties by the Authority of Law will give Strength and Vigour to the Colonies, and protect his Majeſty's Subjects, without the leaſt Incroachments on their Rights and Privileges, which have been often invaded by a diſpenſing Power, which includes all other Powers whatſoever.

The Oppoſition which was given to thoſe employed in the

Adminiſtration of publick Affairs, in the latter End of Queen ANNE's Reign, and the Struggles for Power, which then ſubſiſted, did, in a great Meaſure, take off the Attention of the Miniſtry from the Concerns of *America*. From which Cauſe the Reports of the Board of Trade were often ſilenced, and lay in the Secretary's Office, without any Notice taken of them.—Whereupon the ſaid Board did not, as formerly, report annually to the Crown a State of the Colonies, with reſpect to their Government and Trade, and the Proceedings of the Officers employed therein; ſo that, from this Omiſſion, ſuch

Perſons as had any Concerns depending, in relation to *America*, began to apply to the Council-board, or to the Treaſury or Admiralty, as the Nature of the Buſineſs might require.

The Courſe of Buſineſs, in relation to our *American* Concerns, being thus altered, Committees of Council were again renewed, by the following Order in Council, *viz.*

At the Court at St. James's, *the 1ſt of* October, 1714.

PRESENT

The King's Moſt Excellent Majeſty in Council.

IT is this Day ordered, by his Majeſty in Council, That the whole Privy-Council, or any three or more of them, be, and are hereby appointed to be, a Committee for the Affairs of *Guernſey* and *Jerſey*, hearing of Appeals from the *Plantations*, and other Matters that ſhall be referred to them: And that they proceed to hear and examine ſuch Cauſes as have been referred to Committees of Council by her late Majeſty, and report the ſame, with their Opinion thereupon, to this Board.

In relation to which, I moſt humbly pray Leave to obſerve, that the Actions of the greateſt, the wiſeſt, and the beſt of Men, are formed agreeable to their Informations, and that what may appear extremely wiſe and prudent, and in all Reſpects well calculated to guard the Crown from Surprize, and the Subject from Injury, may yet have a different Tendency, as it relates to our diſtant Settlements; for without Unity of Deſign, and alſo a mutual Relation between the Syſtems obſerved Abroad and at Home, and likewiſe that there be an uniform Courſe of Proceeding (as is conceived) it is impoſſible to prevent the Affairs of *America* from running into Confuſion, or to free the Crown from Surprize. For if a Tube or Perſpective had ſeveral Paſſages before it came to its extreme Point, no Object could be thereby repreſented in a true Light.

The Wiſdom and Juſtice of the great Perſonages, that either have been, or now are, concerned in the ſaid Boards, leave us not the leaſt Doubt of their having determined all Matters which came before them, agreeable to the Principles of Law and Juſtice; but then their Conduct, in Reſpect to ſuch Matters as came under their Conſideration from our diſtant Colonies, muſt, in a great Meaſure, depend upon the Evidence brought before them, and likewiſe on the Courſe of Proceedings in *America*; ſo that if, by great Delay and Expence, the Subject is barred from Relief, they are often as unhappy as if they had not any Appeal to the Crown: Nor can this be redreſſed in any other Manner than by the Aid of Parliament, in eſtabliſhing an invariable Rule of Proceeding in Relation to the Records, and alſo in Relation to our Council or Board of Trade's reporting to the Crown, once in every Year, a State of the Government and Trade of the Colonies, and alſo the Courſe of Proceeding of the Officers employed therein; which would be a great Incitement to the Officers of the Crown to act agreably to their Duty. For as the Supreme Being is the firſt Spring and Author of all that is virtuous or good, as in the Diſpenſation of his Providence in the Moral World he hath annexed Rewards to incite his Creatures to the Performance of their

Duty, and Puniſhments to deter others ; ſo Princes, as his Vicegerents, are to be looked upon as Inſtruments in his Hands, not only to protect the Innocent and reward the Virtuous, but to puniſh ſuch as act contrary to their Duty. And in this Light the Sovereign is to be conſidered as the Centre, to which all Perſons employed in Publick Affairs, and all Matters relative to the Offices, ought ultimately to reſort ; for, as is humbly conceived, it is impoſſible for the Sovereign, or for thoſe employed in the Adminiſtration, to protect his Majeſty's Subjects Abroad, otherwiſe than by keeping the Offices uniform, entire and open; and, in order thereto, by inflicting Penalties on ſuch as act contrary to their Duty.

Having endeavoured to demonſtrate that the preſent Syſtem of our Offices doth not, or indeed cannot, effectually reſtrain thoſe who are intruſted with the Government of his Majeſty's Colonies, and that, in Conſequence thereof, the Subject may be greatly injured, without the Poſſibility of Relief, and alſo that, without a regular and fixt Method of Proceeding, the Crown cannot protect or extend our Trade and Commerce, or in many other

Reſpects exerciſe its own Prerogatives:

It ſeems alſo proper, in this Place, to ſhew the Methods which have been taken by ſeveral Governors in our Colonies to evade his Majeſty's Inſtructions, and alſo to conceal many Acts of Power and Oppreſſion, which I ſhall but barely hint at; for a particular Detail of their Proceedings would not come within the Compaſs of this Eſſay, *viz.*

Such Governors as have laid Schemes to act contrary to his Majeſty's Inſtructions, do many

Acts of Government without the Privity or Advice of their Council, and conſequently no Entry thereof is made; and, at other Times, when Matters have been determined in Council, by the Governor's great Influence at the Board, and over the Clerk of the Council, ſuch Matters as were then under Conſideration have been very imperfectly entered, and in ſome Caſes wholly omitted; and when they have not uſed the ſaid Precaution, and Petitions of Complaint have been preferred to his Majeſty againſt them, they, under frivolous Pretences, keep back the Records, and do not tranſmit them to the proper Boards at Home.

And ſuch Governors have frequently formed Connections with particular Parties or Factions in the Aſſemblies, and ſo paſs Laws for the emitting of Paper-bills of Credit, as well as ſeveral other kinds of Laws, ſuited to their private Views and Intereſts, without inſerting a ſuſpending Clauſe, ſo as to give thoſe who think themſelves injured thereby an Opportunity of laying their Grievances before the Crown, previous to the ſaid Laws being carried into Execution.

And the ſaid Governors have likewiſe, in ſeveral Caſes, diſpoſſeſſed the Grantees of the Crown of their Lands, without any legal Trial or Proceſs thereon; and, in ſeveral Inſtances, in more Colonies than one, they have iſſued blank Patents or Grants for Lands, and afterwards affixed the Seal of the Colony thereto, and put them into private Hands to be diſpoſed of, which hath introduced the utmoſt Confuſion in ſome of the Colonies; for when blank Patents or Grants are ſo iſſued, it is in the Power of ſuch as hold them, by antedating the ſame, to claim the Property of others, and to occaſion ſuch mixt Claims and Confuſion in Property, as to put it entirely out of the Power of any Court of Law to judge of and determine the Right and Property of the Subject; and then, of courſe, every Thing muſt be arbitrarily decided by Acts of Power and Violence.

But as I have mentioned the Tyranny and Oppreſſion of ſome Governors, I ſhall, in Juſtice to the Character of others, mention, that there have been many Governors, who have acted with great Honour in Diſcharge of the Truſt repoſed in them by the Crown. Yet even ſome of them have been much diſturbed by the Jealouſies the People entertained of their Governors; which ariſes from the Abuſe of Power, which has been too frequently put in Practice in the Colonies.

But, in all Caſes of Oppreſſion, the only Remedy left to the Subject when aggrieved, is, to petition his Majeſty for a Commiſſion to examine Witneſſes or Evidences Abroad; which, in ſome Caſes cannot be granted, provided the Records are defective; for if the Subject prays his Majeſty to grant a Commiſſion to examine Evidences Abroad, part of the Matters complained of ought to be ſupported by proper Evidences, previous to the iſſuing of the ſaid Commiſſion. But even admitting ſuch Commiſſions are obtained, the Governors have, in the Plenitude of their Power, a thouſand Ways to ſilence or defeat the Intention of the Crown and the Parties concerned in the ſaid Inquiry, by the Influence they have over thoſe who are generally appointed to examine Evidences Abroad; by the Influence they have over the Secretaries and Clerks of the Council, and alſo by the Terror and Dread many Perſons are liable to, in appearing againſt the Governor in any Matter which may draw his Reſentment upon them.

The Acts of Power, and even arbitrary Conduct, which have been ſometimes exerted, in his Majeſty's Colonies, can ſcarce gain Credit from Gentlemen who enjoy the Bleſſing of a regular Government at Home; but if thoſe who have the Power to redreſs, will be at the Trouble to look into the Complaints which have been often made againſt his Majeſty's Governors and other Officers employed in the Colonies, and alſo into the Proofs ſent Home in Support of the ſaid Complaints, they will find moſt clear and evident Proof, that all that has been above hinted at is founded in Truth, and that it is the Want of Syſtem in the Conduct of our Affairs, which is the Bane and Ruin of our *American* Colonies, and muſt in the End prove deſtructive to our Trade and Commerce.

But the more fully and clearly to illuſtrate this Matter, I ſhall pray Leave to refer to the Dates of ſeveral Complaints which have been brought to our Council-board.

The 30th of *December*, 1708, the Petition of Colonel *Sharpe*, and others of the Council of *Barbadoes*, againſt the Governor of that Iſland, for turning out moſt of the Officers of the Militia; for rejecting the Advice of the Council; for adjourning the Council, and letting the Aſſembly ſit and diſpoſe of the publick Money without the Conſent of the Council; for determining Cauſes himſelf cognizable only in the eſtabliſhed Courts; and for impriſoning and oppreſſing his Majeſty's Subjects, contrary to Law.

Sundry Complaints of the 12th of *March*, 1718, 25th of *June*, 1719, and 11th of *May*, 1720, complaining of may Acts of Male-

Adminiſtration, and even Tyranny and Oppreſſion, againſt Mr. *Lowther*, Governor of *Barbadoes*; from which Period of Time until 1734, follow ſeveral other Complaints againſt the Governors of different Colonies; but as moſt of them were not of any great Moment, I ſhall not mention them here.

The 12th of *February*, 1734, *Hume* and *Whitaker* complain againſt the Governor of *South Carolina*, for acting contrary to his Majeſty's Inſtructions, and, in many Reſpects, contrary to Law and Juſtice.

The 7th of *November*, 1735, *Morris*, Chief Juſtice of *New York*, in like manner complains of the Governor of that Province, for doing many Acts of a very unuſual and extraordinary Nature.

The 15th of *July*, 1736, *Jackſon*, the Collector of the *Bahamas*, complains of the Governor of the ſaid Province's Tyranny and Oppreſſion, and of many Acts of Power which can be ſcarce paralleled.

In 1736, the Aſſembly of *North Carolina* againſt the Governor of that Place.

In 1738, the Houſe of Repreſentatives of *New Hampſhire* againſt their Governor.

In 1746, the Repreſentation of five of the Northern Counties of *North Carolina* againſt the Governor; with another Memorial relative to the ſaid Governor's Conduct preſented to the Lords of Trade in *February*, 1748.

In relation to which it is proper to obſerve, that in all the above Caſes Commiſſions were granted to examine Evidences in Support of the ſaid Complaints; and altho' there were many Things proved of a very extraordinary

Nature, and indeed ſome of them ſhocking to be mentioned, yet the Delay and Expence attending the ſaid Examinations, the Evidences procured by the Governors to invalidate the Complainants' Evidences, and the great Expences attending Solicitations of this Nature at Home, have, for the moſt Part, tired the Patience of the Complainants, and put them into a worſe Condition than before they applied for Relief; ſo that thoſe kind of Convulſions, which have at different Periods of Time happened in ſeveral of the Colonies, make the People, as they judge only by the Surface or outward Appearance of Things, uneaſy, and ſo think themſelves unhappy under the Government of the beſt of Kings, and too often prompt them to act in Oppoſition to his Majeſty's Meaſures, or to whatever elſe may be wiſely propoſed for the Benefit of the Publick. But it is not poſſible to draw Order out of Confuſion; the Colonies being ſo circumſtanced, nothing can, with any reaſonable Hopes of Succeſs, be propoſed for their Advantage, or for keeping the *Indian* Nations in our Intereſt, without inſtituting a regular invariable Plan of Action; which, as is moſt humbly conceived, ought to be as ſoon as poſſible attended to, as our publick Concerns, in many other Reſpects, ſuffer greatly from the Want thereof, *viz.*

The Incroachments of the *Spaniſh Guardes de Coſte* hath been principally owing to the Want of Syſtem in the Conduct of our Affairs, and alſo to the Want of a Fund applicable to the Uſes of *America*, which would have enabled us to check their Inſolence; for if our Governors had been impowered to grant private Commiſſions, and to employ Ships of Force, to treat thoſe *Guardes de Coſte* (who ſearched our Ships in the open Seas) as Pyrates, this would have been the Means to deter them from acting ſo openly, and it would have put it in our Power, either to avow or diſavow the Conduct of our Governors therein, as the Nature or Circumſtances of our Affairs might require, which hath always been the Conduct of *France*, in relation to the *Spaniſh Guardes de Coſte*; and when the *Spaniards* have complained of the *French* Governors making Repriſals, or treating thoſe Ships, to which the *Spaniſh* Governors had granted Commiſſions, as Pyrates, the Anſwer of the *French* hath generally been, That it was the Duty of their Governors to protect the King's Subjects; but if they found any Thing blameable in their Conduct, with reſpect to the Subjects of *Spain*, they would grant them Satisfaction therein. However it has always happened ſo, that the *French* have found ſufficient Cauſe to throw the Blame on the *Spaniſh* Governors and *Guardes de Coſte* commiſſioned by them.

The having of a Fund applicable to *America* would likewiſe have enabled us to preſerve the *Indian* Nations in our Intereſt, which might have been done, two or three Years ago, at one Tenth Part of the Expence which it will now coſt us to regain them.

It is alſo very obſervable, that if we had had a Fund appropriated to the Uſe of *America*, that by ſupplying the Logwood-cutters privately with Arms, Ordinance and Ammunition, and alſo in a private manner have ſent an Engineer amongſt them, they would have been enabled thereby to protect themſelves from the *Spaniards*, and we would have preſerved that valuable Branch of Trade to ourſelves. And in this Caſe we need not to have appeared to act openly againſt *Spain*, provided we had had a Fund applicable to the Uſes of *America*, in reſpect to which we ought to have followed the Steps of *France*, in the Settlement of St. *Domingo*; as they did not appear openly to ſupport the *Buccaneers*, who firſt ſettled there, but only ſupplied them with Arms and Ammunition, until they ſtrengthened themſelves, and got Poſſeſſion of a great Part of St. *Domingo*.

From all which there appears to be the greateſt Neceſſity to eſtabliſh a Fund for the Uſe of *America*; for admitting our Council or Board of Trade were fully appriſed of the State of our Affairs in *America*, and that it would be right and prudent in them to purſue the ſame

Meaſures which the *French* Board of Trade have done, yet it is not in their Power to do it, without having a Fund applicable to the Uſes of *America* only; for if they apply to the Treaſury, it will be at leaſt attended with great Difficulties and Delay, before the Money wanted is obtained; and if they apply to Parliament, the Opportunity may be loſt; and, in many Caſes, proper Supplies may not be granted until our Affairs are brought into ſuch a Poſture, as to put us to infinite Expence to regain what we have loſt by ſuch Delays.

The Trade of our Colonies is alſo of very great Importance and publick Concern; for the Dominion of the Seas, as well as the Power and Riches, or Opulency of *Great Britain* and *France*, do in a great Meaſure depend upon the Improvement of their reſpective Colonies in *America*. *England* (as is before obſerved) hath many Difficulties to encounter in relation to the Government of its Colonies, particularly the Charter Governments, and the Direction of their Trade, yet (as is humbly conceived) this might be redreſſed by the Aid of Parliament.

In taking a Survey of the particular Branches of Trade carried on from the Colonies, particularly in Flour and Biſcuit from *Penſylvania* and *New York* to the *Dutch* and *French* Settlements, and in Corn, Flour and Biſcuit to *Portugal* and *Spain*, there will be found ſeveral Things, eſpecially in the manner of their Returns, which want to be regulated; and likewiſe in the Returns made for Fiſh ſhipped from *New-England* and *Newfoundland*; and alſo in reſtraining the illicit Trade which is now carried on from *Newfoundland* and *Rhode Iſland*; which laſt-mentioned Place is often made uſe of as a kind a kind of Storehouſe for foreign Goods, which are by them introduced into the other Colonies. But thoſe Points do not come within the preſent Deſign of this Treatiſe, nor would (as is conceived) be of any Service, until ſome neceſſary Steps (previous thereto) are taken in relation to *America*; except only as to one Particular it may not be improper to mention, that the Diſputes now ſubſiſting between his Majeſty's Sugar Iſlands and the Northern Colonies, in relation to the Northern Colonies ſupplying the *French* and *Dutch* with Lumber, *&c.* and in Return taking from them Sugar, Molaſſes, *&c.*

it is conceived, may be improved to the Advantage of the Publick, and equitably determined, as they relate to the ſaid Parties.

Experience hath ſhewn, that it is extremely difficult to enforce the Execution of any Law made contrary to the general Bent and Diſpoſition of the People; but how much more ſo muſt it be to enforce a Law made here, and to be put in Execution in *America*, not only contrary to the general Bent and Diſpoſition of the People, but likewiſe contrary to the very Genius and Conſtitution of ſome of their Governments;

wherefore, in paſſing Laws of this Nature, 'tis moſt humbly ſubmitted, whether it may be more proper, and better anſwer the End thereby propoſed, ſo to form the Law, as that the People there ſhould not have too great a Temptation to reſiſt, and act contrary to it; beſides, it is worthy of Conſideration, whether a total Prohibition of the ſaid Trade and Commerce might, by leſſening the Number of our Sailors, deeply affect our Navigation, and alſo whether ſuch a Demand for Rum, as the ſaid Prohibition might occaſion, would not conſiderably advance the Price of Sugar.

On the other Hand, there is much to be urged in Favour of the Planters in the Sugar Iſlands, as they are very uſeful Subjects, have moſt of their Supplies from *Great Britain*, and alſo many of them ſpend their Eſtates here; ſo that in many Reſpects they deſerve great Encouragement from the Publick; and in all Caſes, wherein the Intereſt and Policy of this Nation will admit it, they ſhould be ſupported, and have a Preference given to them in the Conſumption of their Produce, which is raiſed by them at great Riſque, Expence and Labour.

Therefore, to determine this Matter for the Service of the Publick, and equitably to the Parties, 'tis moſt humbly ſubmitted, whether all Ships trading from the Northern Colonies to the *Dutch* or *French* Iſlands ought to do it by Licence, to be obtained from proper Officers appointed for that Purpoſe; and that, on obtaining ſuch Licences, the Owners of the Ships in that Trade give proper Security for the Payment of the Duties on the Rum, Molaſſes, *&c.* brought in Return for the Lumber ſhipped by them; which Bonds or Securities may be diſcharged by proper Certificates of the Duties having been paid.

But in order to remove all Temptation to Fraud or Deceit on this Head, it may be proper to lower the Duty a Penny or Three Half pence *per* Gallon: And, as a great part of the Molaſſes imported from the *Dutch* and *French* Iſlands into *Rhode-Iſland*, *Maſſachuſet's Bay*, &c. are diſtilled into Rum, and afterwards ſhipped by them to *Virginia*, *Carolina*, &c. and alſo to *Newfoundland* and the Coaſt of *Guiney*, that the Duty of one Penny or Three Half Pence Sterl. *per* Gallon be laid upon all Rum ſo ſhipped from *Rhode-Iſland*, *Maſſachuſet's Bay*, &c. to any other Part whatſoever; and in caſe that it is carried coaſtways to any of the other Colonies, without proper Vouchers of ſuch Duties having been paid, the ſaid Rum to be liable to Seizure in any of the Colonies into which the ſame is imported; or if ſhipped to the Coaſt of *Newfoundland* or *Guiney*, without proper Certificates of the Duties having been paid, which may be examined into by his Majeſty's Ships of War, in both ſuch Caſes the ſaid Rum to be alſo liable to Seizure, with ſuch further Penalties on the Maſter of the Ship as may be thought needful.

It is probable that a Law of this Nature and Tendency would have its due Effect; for, by lowering the Duties, it would not be the Intereſt of the People of *Rhode-Iſland*, &c. either to import Molaſſes, or ſhip Rum, diſtilled by them, without firſt paying the Duty, as it would thereby be in great Danger of being ſeized. It is further humbly conceived, that if the ſaid Scheme be put in Execution, a very conſiderable Sum of Money may be raiſed, and applied for the general Benefit, Advantage, and Security of the *Engliſh* Colonies on the Continent of *America*, by enabling them, with greater Eaſe, to erect Forts and make Preſents to the *Indians* ; and if the Sum ariſing therefrom be fairly and duly accounted for, and proper Regulations introduced in the manner of accounting for his Majeſty's Revenues in *America* ; and likewiſe that, by Act of Parliament, there be a further Fund eſtabliſhed, by enacting that all Writings, Deeds, Inſtruments, or other Matters relating to the Law in the ſaid Provinces ſhall be on Parchment or Stampt Paper, and that the Money ariſing therefrom be applied only to the Security and Advantage of the Colonies, it is conceived that a very large Sum would ariſe therefrom, even ſo as, under a juſt Application thereof, the Colonies would not be much longer burthenſome to this Kingdom, in advancing Money for their Security and Enlargement.

But further to diſcover the Importance of our Colonies, and how much the Trade and Commerce of this Kingdom depends upon our protecting of them, and alſo upon a right Direction of their Trade and Commerce, it may not be improper to give a ſhort Account of what is by many computed to be pretty near the groſs Amount of our Trade and Commerce from the Iſlands, and from the Continent of *America*; but I do not offer the following State of our Trade, as a Matter that may be wholly relied upon.

The ſeveral Products of his Majeſty's Sugar Iſlands conſiſting of Sugar, Rum, Molaſſes, Cotton, Pimento, Pepper, Ginger, Coffee, Mahogony, *&c.* exported to *Europe* and *America*, are computed at the Value or Sum of 1,670,000 *l.* Sterl. *per Ann.* beſides the Trade in Negroes carried to the *Spaniſh* Settlements, and ſeveral other kinds of Merchandize from *Jamaica*, in Time of War, amount to a great Sum.

The Freight, as computed in Time of Peace, amounts to 280,000 *l.* Sterl. and upwards. And in this Trade are annually employed 7000 Seamen, and upwards, beſides a great Number of Sailors employed in the Intercourſe the Iſlands have one with another; and with the Continent of *America.*

The Produce of his Majeſty's Colonies on the Continent of *America* and ſhipped to *Europe*, from *South* and *North Carolina*, *Virginia*, *Maryland*, *Penſylvania*, *New*

New Jerſey, *New York*, *Connecticut*, *Maſſachuſet's Bay*, *New Hampſhire*, and *Newfoundland*, chiefly conſiſting of Rice, Corn, Pitch, Tar, Turpentine, Deer Skins, Furs, Tobacco, Walnut-Tree and other Timber; Maſts, Yards, Fiſh, Oil, Ships built for Sale, *&c.* are computed yearly to amount to the Value or Sum of 1,455,000 *l.* Sterl. and upwards.

And as many of thoſe Commodities are bulky, and, in Proportion to their Value, do not lie in ſo little Room as thoſe from the Iſlands, it is computed the Freight amounts to 360,000 *l.*

Sterl. *per Ann.* and upwards, and that in the ſaid Trade are employed 12,000 Seamen, or thereabouts.

The ſeveral Products of his Majeſty's Colonies on the Continent of *America*, exported to the *Engliſh*, *French* and *Dutch* Colonies, and to *Africa*, which conſiſt of Beef, Pork, Bacon, Fiſh, Flour, Biſcuit, Corn, Tobacco, Tar, Lumber of ſeveral Sorts, Ironwork, Cabinet-ware, and Spirits diſtilled in the Northern Colonies, *&c.* are computed yearly to amount to the Value or Sum of 810,000 *l.* Sterl. and upwards.

And as the Freight of ſeveral of the ſaid Commodities amounts to above a Third of the Value, it is computed, that the ſaid Freight amounts to 225,000 *l.* Sterl. *per Ann.* and upwards, and that in this Trade are annually employed 8000 Seamen, or thereabouts.

But altho' it appears by the above Calculations, that the annual Product of his Majeſty's Colonies, including the Freight, which employs about 27,000 Seamen, amounts in the whole to 4,800,000 *l.* Sterl. *per Ann.* or thereabouts, yet a great Part of this Trade doth not center in *England.*

The Trade of the ſaid Colonies, if directed in a right Channel, might be made of much greater Service to this Kingdom, in the Conſumption of our Manufactures, than our Traffick to any other Part of the World, and the landed Intereſt in *England* would be more improved thereby, than by any other Branch of Trade whatſoever; as it is conceived that a great Diſtinction is to be made between that kind of Commerce, which is carried on by the Exchange of Foreign Commodities from one Country to another, and that which ariſes from the Manufactures of this Kingdom; for altho' one may enrich the Merchant and the publick Stock, yet the other doth not only enrich the Merchant and the Publick, but at the ſame Time employ the Poor, and conſequently much improve the landed Intereſt. The Truth of which is fully evinced by obſerving the preſent State of the *Spaniſh* Nation; for altho' the Merchants and the Publick Stock are often enriched there, by their Commerce in Foreign Merchandize, which they carry on, yet their landed Intereſt ſtill remains very low and diſtreſſed. And the ſame

Thing may alſo be obſerved of the Seven United Provinces of the *Netherlands.*

In Colonies, which always ought to have a Dependance on their Mother-Country, too much Care cannot be taken to prevent, nor too many Reſtrictions laid in the Way of their being ſupplied with Merchandize, and all other Things either for neceſſary Uſe or Luxury, from foreign Nations. For let the Increaſe and Growth of the ſaid Plantations ariſe to any Degree whatſoever, yet while their Supply is procured in a wrong Channel, they will not be of that real Benefit, or Service to this Kingdom, which they might be, by a right Direction of their Trade and Commerce.

One great Advantage the *French* have had over us, in extending their Settlements, and in gaining the *Indian* Nations, or Tribes of *Indians*, over to their Intereſt, hath (as is above obſerved) principally ariſen from their having ſeveral Funds, not only appropriated, but duly applied, to the Uſes of their Colonies in *America*; and as ſomething of this Sort is abſolutely neceſſary to be done, for the Safety and Protection of our

Colonies, and alſo for extending our Settlements, it may, as is humbly conceived, be of Uſe to the Publick to treat briefly of that Subject; for if it ſhould appear, upon Examination, that the Manner of accounting for his Majeſty's Revenues hath not been properly regulated, and that by the preſent Courſe of Proceeding there may be an Opening left for many Incroachments upon the Crown, and upon the Subject, it will be highly neceſſary to look into this Matter, previous to the creating any new Funds in *America* for the Uſe of the Colonies.

In order, therefore, to explain this Matter, it may be proper to take Notice of ſome of the Powers lodged in the Surveyor and Auditor General of the Plantations, *viz.*

By his Patent, dated the 16th of *October*, 1717, he hath full Power and Authority to inſpect, examine, ſtate, audit, and, with the Allowance, Authority and Conſent of the Commiſſioners of the Treaſury, to determine all and ſingular the Accounts of all ſuch Rents, Revenues, Fines, Eſcheats, Forfeitures, Duties, and Profits whatſoever, for and during ſuch Time as he the ſaid Surveyor and Auditor General ſhall well behave himſelf in his ſaid Office.

And, to the End that the Office of Surveyor and Auditor General may be duly and rightly executed, his Majeſty wills and commands that the ſaid Auditor, by all lawful Means, do cauſe to be recovered and paid to the proper Officers, for the Uſe of the Crown, all ſuch Rents, Revenues, Prizes, Fines, Forfeitures and Duties, &c. as are now, or ſhall be hereafter due or owing to the Crown, within the ſaid Dominions in *America*. And to do and perform all and every ſuch other Matter, Cauſe or Thing, in relation to the ſaid Accounts and Revenues, which to the ſaid Office and Place of Surveyor General, or any Auditors of our Exchequer in *England*, doth or may belong or appertain, as to Accounts and Revenues in *England*.

And his Majeſty wills and commands the ſaid Auditor and his Deputies to be obedient to, and to obſerve ſuch Orders, Rules, and Directions as the Commiſſioners of the Treaſury, or the High Treaſurer, or Chancellor of the Exchequer for the

Time being, ſhall from Time to Time direct and appoint.

And that the ſaid Auditor do alſo from Time to Time offer and preſent to the Commiſſioners of the Treaſury, or High Treaſurer, *&c.* ſuch Propoſals and Obſervations, concerning his Majeſty's ſaid Duties or Revenues, as may any ways tend to improve the ſame.

And for the more effectual Execution and Performance of the Premiſes, the ſaid Auditor is authorized, with the Conſent and Allowance of the Commiſſioners of the Treaſury, to appoint Deputies, and other inferior Officers, for the better expediting the Duty of the ſaid Office.

Whereupon it is proper to obſerve, that the Powers lodged in the Auditor General of *America*, and the Duty of his Office, are much the ſame with thoſe of the Auditors of the Exchequer in *England*; and as it may be collected from ſeveral Acts of Parliament, and alſo from the Orders and Regulations formerly made in Council, extending the Power of the Lord High Treaſurer, that the Kings of *England* reſerved the Treaſury and Exchequer in their own Hands; it is therefore moſt humbly conceived, that whatever comes under the View and Inſpection of the Lord High Treaſurer, ought of courſe to be brought into the Exchequer; and altho' the Lord High Treaſurer hath many ſpecial Powers veſted in him, yet, as is humbly conceived, he is as much bound to act agreeably to the Rules eſtabliſhed in the Court of Exchequer, as our Lord Chancellor, or any of our Judges in *Weſtminſter Hall* are, to the Rules of their reſpective Courts: Which ſeems to be confirmed by the ancient Uſage of the Court of Augmentations, before the ſame was annexed to the Exchequer,

quer, according to which the Staple of *Calais* and all other foreign Revenues, which were within the View of the Lord High Treaſurer, were brought into the ſaid Court.

But, to explain this Matter further, it is proper to mention the Duties incumbent on the Auditor or his Deputies in the Plantations; namely,

They ought to give in Charge to the Receivers of his Majeſty's Revenues in the Colonies reſpectively, a Schedule or Rent-roll of all the Money to be collected by them.

And then it becomes the Duty of the Receiver or Receivers to return to the Auditor or his Deputy a ſpecifick Account, not only of the Perſons from whom they receive any Money, for the Uſe of the Crown, but alſo in what Proportion they have paid, whether in Whole or in Part, and what remains due; and further to return a Liſt of all ſuch Perſons as have not paid any Part or Proportion of the Chief Rents, or any other Revenues ariſing to the Crown, diſtinguiſhing the Places of their Abode. And when ſuch Perſons as are upon the Receiver's Liſt are Non-reſidents, or not to be found, from the Defects which have been in the Records, in ſuch Caſe they are to be marked or dotted accordingly, that proper Steps may be taken thereupon to enforce the Payment of his Majeſty's Revenues. And unleſs this Method is obſerved, the Receiver's Accounts cannot be properly checked.

And after the Receivers have obſerved the ſaid Rules or Methods of Proceeding, then it becomes the Duty of the Auditor to make a brief Declaration of every of his Receivers Accounts, and to ſhew the laſt Year's Arrearages, for the Allowance or

Diſallowance of the Lords Commiſſioners of his Majeſty's Treaſury on that Head; and, if this is omitted, the Auditors or the Receivers, as either are in Fault, are liable to be proſecuted, and to forfeit their Commiſſions.

But it hath been objected by ſome of the Receivers, that the Schedules or Rent-rolls delivered to them are very imperfect, and therefore they cannot comply with the Duty required from them: But this, when conſidered, will be found to be merely a Pretence; for, admitting their Schedules or Rent-rolls to be imperfect, yet they have it in their

Power to mark or dott ſuch Perſons Names as have not any Thing to pay, or are not to be found; by which the Receivers may be properly checked in their Accounts; but when this is not complied with, it is impoſſible to form any Judgment of the Arrearages, or to know whether the Receivers have fairly or fully accounted for the Money received by them.

The Receivers of the Crown in diſtant and foreign Colonies ought likewiſe to find Sureties in the Exchequer for their good Behaviour, and then Proceſs would iſſue againſt them, if they did not return their Accounts properly audited.

How far the above Regulations have been complied with, or whether the Receivers of his Majeſty's Revenues in *America* have acted agreeably to their Duty, in regularly tranſmitting their Accounts Home to the Auditor, will appear by the Dates, and likewiſe by their Accounts. And whether the Auditor General hath had any Objection to the ſaid Receivers Accounts, or endeavoured to correct the ſame, or laid the ſaid Receivers Accounts before the Lords Commiſſioners of the Treaſury, for their Lordſhips Allowance or Diſallowance of them, may be known by thoſe who have the Power to examine into this Matter.

In *Virginia*, his Majeſty's Revenues are collected in the ſame Manner, and in moſt Caſes by the ſame Perſons who are employed to collect the Provincial Taxes; ſo that they are thereby obliged to paſs the Accounts of the Revenues before the Governor and Council: And it is remarkable that in this Colony the Revenues of the Crown amount to near three Times as much as in all the other *Engliſh*

Colonies on the Continent of *America.*

The Four one Half *per Cent.* Duty, and all other Matters relating to the Cuſtoms in *America*, are properly within the Department of the Auditor of the Impreſts, and, as is humbly conceived, ought to be likewiſe brought into the Court of Exchequer.

The mentioning the Form which ought to be obſerved in auditing and accounting for his Majeſty's Revenues in *America*, may be of great Uſe to the Publick, provided any new Funds are eſtabliſhed and made applicable to the Uſe of the Colonies. For as the foreign Revenues of the Crown were formerly brought into the Court of Augmentations, by Act of Parliament, the Reaſons are equally ſtrong for bringing the Revenues of the Crown in *America* into the Court of Exchequer, eſpecially as all the Revenues of the Crown under the View of the Lord High Treaſurer ought of courſe, as is obſerved above, to be brought into the Exchequer.

In 1739, his Majeſty thought fit to appoint an Officer to ſuperviſe, inſpect, and controll the

Revenues and Grants of Lands in the Provinces of *South* and *North Carolina*, and alſo to correct the Abuſes which thro' Time had crept into the Records; and the Motives for appointing the ſaid Officer are mentioned in an Account of Quit-rents, dated the 25th of *February*, 1740, which was made out by Order of the Right Honourable the Lords Commiſſioners of his Majeſty's Treaſury, in Purſuance of an Addreſs to his Majeſty by the Honourable the Houſe of Commons. But by the Oppoſition given to the ſaid Officer, and the cruel Treatment he met with from thoſe whoſe Conduct he was to inquire into, it had been happier for his Family that he had been deprived of his Life, than undertaken an Inquiry of ſo diſagreeable a Nature, which in its Conſequences hath deprived them of the Means of Support; and altho' this poor Man's Sufferings and Diſtreſſes ariſe principally from Cauſes which have a publick and general Tendency, yet it may with great Truth be aſſerted, that the moſt inveterate of his Enemies cannot bring any Proof againſt him, of his ever having in the leaſt deviated from his Duty to the Crown, or in any reſpect acted ſo as to oppreſs or injure any of his Majeſty's Subjects in the ſaid Colonies.

But to reſume the Subject: The Care and Vigilance of the *French*, in not only putting their Colonies into a Poſture of Defence, but alſo into a Capacity of being very formidable, calls loudly upon us to give the utmoſt Attention to the Affairs of *America*; for altho' we have many natural Strengths, yet if thoſe Strengths are not properly exerted, they will not avail us, or keep us from Surpriſe; nor can we in any Event whatſoever hope for Succeſs, until we have a regular and orderly Method of Proceeding in Buſineſs, which is the only true Parent of Succeſs.

As the *French* have a regular Syſtem, or Plan of acting, and ſteadily purſue their Schemes, by looking into their Courſe of Proceeding a tolerable Judgment may be made of what they intend to do, even ſome Years before they have ripened their Schemes for Action; and, with reſpect to their preſent Deſigns, it may, on good Grounds, as is humbly conceived, be conjectured, that the principal Object of *France*, on the Continent of *America*, is ſo to extend their Lines, as to include moſt of our friendly

Indians within their Bounds, which they will in a great Meaſure have effected when they take the *Upper* and *Lower Cherokees* and *Creek Indians* within their Lines.

The *Iroqueſe*, or Five Nations, are at preſent much checked, and in many Reſpects prevented from aſſiſting us, by the *French* having built *Crown Point*, and *Niagara*; which makes it unſafe for the ſaid *Indians* to go at any great Diſtance from their Townſhips, either in War or in Hunting: And if the *French* in like manner build Forts to the Southward, they will include the *Up-*

per and *Lower Cherokees*, and *Creek Indians*, and thereby not only engroſs the Fur Trade, but alſo endanger the Safety of all our back Settlements.

Now even admitting the *French* make but a faint Reſiſtance againſt us next Summer, in the Recovery of the Fort and Ground we loſt upon the River *Ohio*, yet if they are left in Poſſeſſion of *Crown Point* and *Niagara*, and alſo of the Fort they formerly built at *Bœuf River*, which is a Branch of the *Ohio*, and ſo continue their Lines to include the *Southern Indians*, which they are now enabled to do by the Cannon we loſt on attacking them at the *Ohio*, we ſhall be little or no Gainers by what we may recover there, as the *French* would ſtill have moſt of the *Indians* included within their Bounds, and at the ſame Time have it in their Power ſo to employ them, as to diſtreſs, or indeed utterly deſtroy, any Settlement we may hereafter attempt to make at the *Ohio*. Therefore if the *French*, by their Intrigues and Addreſs, can make us reſt ſatisfied with the Appearance of a Conqueſt, which will not in any Reſpect be of Service to us, they will only amuſe us by falſe Hopes and Pretences, engroſs the *Indian* Trade, and in the

End leave all our back Settlements expoſed to the cruel Ravages and Plunder of the *Indians*.

And, on the other Hand, if we haſtily purſue vigorous Meaſures in the Recovery of the Territories which of Right belong to us in *America*, and yet do not firſt regulate our Courſe of Proceeding with reſpect to the Affairs of our Colonies, and alſo build Forts for the Security of our Frontier Settlements, and as a Place of Retreat to our Troops and to our Friendly Indians, it is too much to be feared, that all the Blood and Treaſure we may employ to that End will not have the deſired Effect, and that our acting at this critical Juncture either too remiſſly, or too precipitately, may be the Means of drawing on a Train of evil Conſequences, which in the End may prove deſtructive to this Kingdom.

Another Object the *French* have in View is, to give us full Employment on the Continent of *America*, that, in Caſe of a War breaking out, they may be more at Liberty to attack our Iſlands in the *Weſt Indies*, which, it is ſaid, they have in View, and that they are now providing Stores of

Arms and Ammunition at *Martinico.*

The Intrigues of the *French* in the *Eaſt Indies* are likewiſe very alarming, and their Views and Deſigns in *Germany* and *Holland* may be alſo diſcovered; ſo that, if I am not much miſtaken, there never was a Time which called more loudly or more importunately upon us, to take a View of our own immediate Concerns, and ſo to regulate them as to free us from all Surpriſe, whenever it may be found neceſſary to exert ourſelves in Defence of our Trade and Settlements. And, as is moſt humbly conceived, this Matter cannot with Safety admit of Delay, as we may be led into many and great Inconveniences thereby, and, from the active and vigorous Conduct of *France*, be utterly unable to repair the Loſs of our Trade and Settlements, which in the End may prove deſtructive to us, by cutting off all the Channels of our Supply, and conſequently render us unable to ſupport the Weight of heavy Taxes, or to make any conſiderable Struggle againſt the ambitious Views of *France*, in making herſelf the Umpire of *Europe*.

And altho' we have a Fleet greatly ſuperior to *France*, it is to be conſidered, that ſhe hath it in her Power to alarm us in different Quarters of the World, and ſo to divide and draw off our Strength, in the Protection of our Trade and diſtant Settlements, as to leave us too much expoſed at Home. Yet, notwithſtanding the Conſideration of thoſe Matters is really alarming, it is ſtill in our Power, if we do not delay the Seaſon, to put our Affairs into ſuch a Poſture as to defy all the ſecret and open Attempts of *France* againſt us. But, as is humbly conceived, this can only be done by having a regular uniform Courſe of Proceeding, which may be the Means of ſaving us immenſe Sums of Money, that have been too often profuſely employed, at improper Times, to regain what we have loſt by our Miſtakes and Inadvertencies. The Truth of which may be evinced by examining into our Conduct for upwards of twelve Years before the laſt War with *Spain*, and alſo the Meaſures we have purſued ſince that Time in relation to *America*: All which Miſtakes, and the vaſt Expence attending them, might have been avoided, provided we had had a regular uniform Courſe of Proceeding, and alſo had Funds applicable to the Uſe of *America*.

Therefore it is moſt humbly hoped, that ſome Attention will be given to the ſeveral Matters which have been hinted at in the Courſe of this Eſſay: That it will be thought for the Service of the Crown and of the Subject, to regulate the Offices ſo as to bring every Matter of Importance to the View of the Crown: That it will be thought neceſſary, for the Support of our Trade and diſtant Settlements, to eſtabliſh ſome new Funds applicable only to the Uſe of *America:* That it will be thought for the Security of his Majeſty's Subjects in *America*, and alſo for the Protection of our Trade and Settlements, to erect

Forts near to the Five *Indian* Nations, to the *Upper Cherokees*, and to the *Creek Indians*; and alſo that it will be thought for the Service of this Kingdom, to put our Iſlands into a Poſture of Defence: And laſtly, that the Importance of thoſe Matters may be judged worthy of the Attention of thoſe in whoſe Power it is to defeat the ſecret Deſigns of our Enemies.

I pray Leave further to obſerve, that if the Genius of the great *Sully* prevails amongſt the great Perſonages who have the Direction of our Publick Concerns, there has nothing been offered which can poſſibly give Offence, and that

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that the Profecution of my Deſign to treat of the Syſtem of our great Boards at Home, upon the Knowledge of which much depends, cannot draw their Reſentment upon me ; but if, contrary to my Expectation, any Perſon in Power takes Offence at my Conduct, I humbly hope that on due Reflection they will change their Sentiments. And that ſuch of our young Senators, who may take the Trouble to read this Diſcourſe, will be pleaſed to accept of my Endeavours to explain to them the Syſtem of our *American* Offices, from which great Advantages may ariſe to this Kingdom in the future Conduct of our Affairs.

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